Scarce

THE RIGHTS OF KINGS.

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KINGS.

Τῶν τε πατέρων μὴ χείρους κατ' ἀμφότερα φανῆναι, οἷ, μετὰ πόνων καὶ οὐ παρ' ἄλλων δεξάμενοι κατέχον τε καὶ, προσέτι διασώσαντες παρεδοσαν ἡμῖν αὐτά.

THUCYD.

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THE

RIGHTS

OF

KINGS,

&c.

THE attention of the world has been engaged for ſome time paſt by a work, equally conſpicuous for the beauty of its ſtyle, and the dignity of its ſubject. And if erudition and eloquence conſtitute perfection, that work has attained it. The moſt ſplendid productions of genius, however, may be deluſive; they may ſhine without

ſolidity, and captivate the taſte while they miſlead the underſtanding.

This work ſets out in praiſe of moderation: it condemns a love of change, and recommends a reſpect for government. So far we liſten with reverence. When we come, however, to the motives of this reſpect; when we arrive at the reaſons upon which it is founded; when we find that what is ancient is preferred to what is uſeful, prejudice to truth, and cuſtom to liberty, we ſee where theſe principles would lead us; that they would confirm equally the bad and the good, and muſt ſometimes perpetuate tyranny, as well as maintain freedom.

With ſuch beauty of ſtyle, with ſuch energy of ſentiment, were theſe doctrines enforced, that it would have been difficult

to

to have combated them under the firſt impreſſion of admiration. That admiration may have now ſubſided, and men may be capable of examining the ſubject coolly.

And if they do examine coolly, they will ſee that reſpect for government ought not to be founded upon prejudice: that prejudice is a blind guide; that it may embrace falſehood as well as truth, and defend a bad government with the ſame zeal that it would ſupport a good one.

Probably, indeed, with a great deal more. Mankind are fond in proportion as they are fooliſh. How humbly did they adore the ſupremacy of Popes, how blindly admire the divinity of kings! equally enamoured of a monarch or a prieſt, a crown or a tiara!

When we review the hiſtory of mankind, the very name of prejudice excites indignation; prejudice has been equally the parent of their follies, and their crimes: it protected idols, ſanctified human ſacrifices, and enjoined perſecution.

But is there no other baſe upon which to eſtabliſh government? Is there no other principle by which to maintain it? Is it in vain that God has endowed man with reaſon, or is it on the nobleſt of ſubjects that he is forbidden to exerciſe it?

And what does reaſon teach us reſpecting government?

We can diſcover no ground upon which one man could originally claim a right to govern

govern another.* In the firſt ſtages of ſociety there was neither government to give power, nor wealth to give conſequence, nor rank to give honor. Upon what then could a claim to ſuperiority be founded? Upon oppreſſion alone, and oppreſſion drove men to government.

It will be ſaid, perhaps, that this is a fallacious ſyſtem. It will be aſked upon what ground we ſuppoſe that all were originally equal, and none entitled to govern?

Upon the ground of juſtice; becauſe it would have been unjuſt that any ſhould have been happy at the expence of the reſt:

* It may be ſuppoſed, indeed, that the world was parcelled out originally by the Author of all things, and a right conferred to govern, but this would be a *divine right*.

Upon

Upon the ground of equity; becauſe it would have been partial:

Upon the ground of humanity; becauſe it would have been cruel:

Upon the ground of common ſenſe; becauſe it would have been abſurd.

But if they will not allow this ſtate of pure and natural freedom, let them advance with *divine right*. Let them proclaim, in the face of the world, that ſome man or men were deſtined by Providence to govern, and that the reſt of mankind are bound to be miſerable for their ſakes.

We ſhould conclude, from the language of ſome, that there never had been ſuch a thing as natural freedom: that government was antecedent to liberty, and

and we were obliged to the laws for all we poſſeſs. Now laws are comparatively nothing—the revolutions in the world have not happened from the violation of them, but from the invaſion of natural freedom.

All then were at firſt equal; government was contrived for general happineſs, and power delegated for that end. From theſe premiſes it reſults:

1ſt. That the happineſs of the people is the end of government:

2dly. That the forms of government are the means by which that happineſs is to be attained.*

* They cannot be the ends, elſe there would be as many ends of government, as there have been forms of it in the world.

3dly. That all power is a truſt.

If the happineſs of the people be the end of government, its forms ought to be ſacrificed to attain it, elſe the means are preferred to the end. And if power be a truſt, whenever that power is abuſed, it ought to be recalled.

The people, then, of all countries have an inherent right to form their governments, and to depoſe and chuſe their rulers. They may change the firſt as often as they are defective, and the laſt as often as they abuſe their power.

Is it not ſtrange that privileges which belong to all mankind ſhould have been refuſed to the people of England? Is there any reaſon to make them an exception? But whatever be their claim in theory, they

they have realized it in practice, and the firſt inſtance occurred at the Reſtoration.

When the people were tired of the Commonwealth, Monk marked their diſpoſition, and commanded the Parliament to diſſolve. They dallied. He then requeſted the ſecluded members to take their ſeats. They did the buſineſs. They wrote circular letters to the counties and corporations of England, deſiring them to chuſe Deputies for a Convention, and then diſſolved themſelves.

As the Convention was ſummoned without authority, it can only be conſidered as the people. Nor could the royaliſts have any other reaſon for calling it, as they formed a majority in the Long Parliament. They wanted the people to give Charles his title. And when the Houſes did meet, they

drew up a proclamation, declaring, "that, "according to their duty and allegiance, "they did heartily, joyfully, and unani- "mouſly, acknowledge, and proclaim, "that immediately upon the deceaſe of "King Charles, the imperial crown of "theſe realms did, by inherent birth- "right, and lawful and undoubted ſuc- "ceſſion, deſcend, and come to his moſt "excellent Majeſty Charles the Second, "as being lineally, juſtly, and lawfully, "next heir of the blood royal of this "realm; and thereunto they moſt hum- "bly and faithfully did ſubmit, and "oblige themſelves, their heirs, and "poſterity for ever.*

The

*It will be ſaid, perhaps, that the people in this inſtance only acknowledged a right. No matter what they did, they *did*, and they would not have been called upon to *do*, if they had been judged

The next inſtance was the Revolution.

The tyranny of James II. was become intolerable to his ſubjects. At this criſis the Prince of Orange landed in England, with the deſign to procure them relief. When James ſaw the ſtorm approaching, he was ſeized with a panic. On the night of the 12th of December, 1688, he threw the great ſeal into the river, ſent the Queen to France, and fled from London.

There was now no government: no trace of a legiſlature remained. The King was fled, and Parliament had been diſ-

judged of no authority. And here it may be obſerved, that every word of this proclamation would apply to the Pretender if he exiſted, and ſanction his claim to the crown. What could oppoſe it but a ſubſequent act of the people?

ſolved ſome time before. The populace roſe and committed ſome outrages. The Peers and Biſhops who happened to be in London then interpoſed to ſave the nation. They directed the Mayor and Aldermen to keep the peace of the city; they iſſued orders to the fleet, army, and garriſons, and they invited the Prince of Orange to London.

When the Prince arrived none knew what he was to do. The lawyers adviſed him to claim the crown by conqueſt, aſſume the title of Sovereign, and call a Parliament to ratify the act. This meaſure was rejected as violent. The Peers and Biſhops then addreſſed him, praying him to aſſume the management of affairs for the preſent, and to ſummon a Convention by circular letters. Still William was averſe to act.

An

An expedient was then deviſed. Such perſons as had ſat in any Parliament of Charles II. (for the Parliaments of that reign were the laſt that had been elected freely) were invited to meet, and fifty of the common council of the city of London were added to them. This body voted the ſame addreſs with the Peers and Biſhops. William then agreed to act, and in conſequence wrote circular letters to the counties and corporations of England, requeſting them to chuſe Deputies for a Convention.

Similar meaſures were purſued reſpecting Scotland. There were in London about thirty Peers, and eighty Gentlemen of that country. William called them together, and aſked their advice. They prayed him to aſſume the adminiſtration for the preſent, as the Peers and Biſhops had

had done. He conſented, and ſummoned a Convention in Scotland.

The Engliſh Convention met ſhortly after. They came to a vote, "That "King James II. having endeavoured to "ſubvert the conſtitution of the kingdom, "by breaking the original contract be-"tween King and People; and having, "by the advice of jeſuits, and other "wicked perſons, violated the fundamen-"tal laws, and withdrawn himſelf out "of the kingdom, has abdicated the go-"vernment, and that the throne is "thereby vacant." They then ſettled the crown upon the Prince and Princeſs of Orange; the ſole adminiſtration to be in the Prince, and annexed to the Settlement a Declaration of Rights, in which the liberties of the ſubject were clearly ſpecified and defined.

The

The Scotch Convention copied their example, with the exception only, that they voted James had forfeited.

Such are the events that happened at the Revolution—let us now reaſon from them.

The firſt obſervation we make is, that all government ceaſed upon the departure of James. The Parliament conſiſts of King, Lords, and Commons. The King was gone,* and the Houſes were no more. †

* James had not abdicated. The term was only uſed in the excluding vote to cover the depoſition. He wanted to reign, but they would not let him; that was the fact.

† There cannot be the leaſt doubt that government was diſſolved.—See the opinion of Hume on the ſubject: "By this temporary diſſolution of go-

"vern-

When government ceaſed, it diſſolved into that from which it ſprung, viz. the People. What elſe could act when government was at an end? What elſe did act? The Prince of Orange was nothing in England. The Peers and Biſhops had no authority when they were not ſitting in Parliament. Thoſe who had been members in the time of Charles II. were ſo no longer. The Mayor, Aldermen, and Common Council, had no legiſlative power, and the Scotch nobility and gentry were as deſtitute of authority as the reſt.

If we could heſitate to pronounce theſe perſons the People, the mode in which

" vernment the populace were now maſters; and " there was no diſorder which, during their pre- " ſent ferment, might not be dreaded from them." vol. viii. p. 292.

they

they acted would ſuffice to determine us. They proceeded with the utmoſt caution. When they prayed William to accept, they prayed him only for the preſent, the Convention were to determine the reſt. Can there be a ſtronger evidence that they believed themſelves the people? and does not the correſpondence of the nations in their conduct quicken, if poſſible, the energy of the proof?

And if the perſons who ſummoned the Convention were the people, the Convention itſelf could be no more. What then did they do? They depoſed James bebecauſe he had endeavoured "*to ſubvert* "*the conſtitution of the kingdom, by break-*"*ing the original contract between King* "*and People, and violated the fundamental* "*laws.*" Their proceedings deſerve notice.

The object of James II. was to eſtabliſh popery in the Britiſh dominions: to this purpoſe he directed his efforts. He endeavoured to fill the offices of the State with papiſts, who were deſtined to promote his deſigns, and aid him in effecting the propoſed Revolution.

In the attempt he met difficulties. The laws which excluded Roman Catholics from employment, threatened oppoſition. Theſe obſtacles, however, were only apparent. A diſpenſing power was a part of the prerogative, acknowledged by the ſtatutes of the kingdom, and declared ſo paramount, that the legiſlature itſelf could not overcome it.*

Let

* A remarkable inſtance of this is related in Hume. "In the twenty-third of Henry the "Sixth, a law of this kind (to reſtrict the power "of

Let us now recal the moſt flagrant acts of James's adminiſtration. He revived the Court of High Commiſſion; he impri-

" of the Crown) was enacted, prohibiting any " man to ſerve in a county as ſheriff, above a " year; and a clauſe was inſerted, by which the " king was diſabled from granting a diſpenſation. " Plain reaſon might have taught that this law " at leaſt ſhould have been exempted from the " king's prerogative: but as the diſpenſing power " ſtill prevailed in other caſes, it was ſoon able, " aided by the ſervility of the courts of judicature, " even to overpower this ſtatute, which the legiſ- " lature had evidently intended to ſecure againſt " all violations. In the reign of Henry the " Seventh, the caſe was brought to a trial, before " all the judges in the Exchequer chamber; and " it was decreed, that notwithſtanding the ſtrict " clauſe abovementioned, the king might diſpenſe " with the ſtatute. He could, firſt it was al- " ledged, diſpenſe with the prohibitory clauſe, " and then with the ſtatute itſelf." Hume's Hiſtory of England, vol. viii. p. 238. Edit. of 1767.—It will be ſaid, that this deciſion was owing to the ſervility of the judges—Granted. We are only

impriſoned the biſhops who refuſed to appoint the indulgences to the papiſts to be read in churches; he attempted to force the fellows of Magdalen College to elect a papiſt for their preſident; and he ſuſpended the laws againſt Roman Catholics. But theſe acts were all juſtified by his diſpenſing power. He might ſuſpend the law which aboliſhed the Court of High Commiſſion, he might try the biſhops by that Court, and he might diſpenſe with the penal laws. Theſe acts were certainly injurious to the people, and therefore they depoſed him. But this only

only contending that the diſpenſing power was law, this would make it more. But even the Convention acknowledged the diſpenſing power in the very ardor of liberty, in the *Declaration of Rights*. They only condemned it ſo far "*as it had been aſſumed and exerciſed of late*"—that is, they did not like it—Will it be ſaid, that James broke the laws now?

only

proves, that they were above the laws of the land, and acted upon thoſe of nature.

The next obſervation we make is, that they choſe the Prince of Orange. It was a choice, becauſe the Prince of Wales was next heir, his legitimacy had been eſtabliſhed,* and William had no title to the crown.

* As appears by the following extract from Hume :—" The report that a ſuppoſititious child " was to be impoſed upon the nation, had been " widely ſpread, and greedily received, before the " birth of the Prince of Wales; but the King " who, without ſeeming to take notice of the " matter, might eaſily have quaſhed that ridicu- " lous rumour, had, from an ill-timed haughti- " neſs, totally neglected it. He diſdained, he " ſaid, to ſatisfy thoſe who could believe him ca- " pable of ſo baſe and villainous an action. Find- " ing, however, that the calumny gained ground, " and had made deep impreſſion on his ſubjects, " he was now obliged to ſubmit to the mortifying " taſk

crown. He had ſo little that the lawyers adviſed him to claim by conqueſt, that is, as an uſurper. But ſuppoſing he had enjoyed the beſt of titles previous to the Revolution, to adopt him in the preſent moment muſt have been a choice. Were not the people free to act as they pleaſed? What power bound them?*

The

" taſk of aſcertaining the reality of the birth. " Though no particular attention had been paid " before-hand to enſure proof, the evidence of " both the *Queen's pregnancy, and delivery, were* " *rendered indiſputable*; and ſo much the more, as " no argument or proof of any importance, no- " thing but popular rumour and ſurmiſe could " be thrown into the oppoſite ſcale." See vol. viii. p. 291. And the people themſelves believed the legitimacy, as we find.—" But when the " Prince of Wales was born, both the Prince (of " Orange) and the Engliſh nation were reduced " to deſpair, and ſaw no reſource but in a confe- " deracy for their mutual intereſts. And thus the " event, which the King had long made the ob- " ject of his moſt ardent prayers, and from which " he

The laſt feature in this buſineſs is, that they formed a government; they defined privilege, they deſcribed prerogative; they declared the rights of the ſubject, and made their preſervation the condition of allegiance.

It is then manifeſt that the people of England depoſed and choſe their rulers, and formed a government at the Revolution. It is alſo manifeſt, that the laws of

" he expected the firm eſtabliſhment of his " throne, proved the immediate cauſe of his ruin " and downfall." Vol. viii. p. 273.

* What elſe could it be than a choice, ſince the old line of ſucceſſion was ended. " Thus ended " at once, by this ſudden and unexpected vacancy " of the throne, the old line of ſucceſſion; which, " from the conqueſt, had laſted ſix hundred years, " and from the union of the heptarchy in King " Egbert, almoſt nine hundred."——See Black Com. vol. i. p. 210.

nature regulated their conduct through the whole tranſaction.

Mr. Hume defends the Stuarts upon this ground, that the odium excited by their adminiſtration was owing to the change of ideas reſpecting liberty, and not to their uſurping new prerogatives. They exerciſed the old ones, however, in ſuch a a way, as to extinguiſh freedom. The ſhip-money of Charles would have annihilated property, and the diſpenſation of James ſubverted the religion of the kingdom.

But though the vindication of Mr. Hume does not juſtify the Stuarts, it eſtabliſhes the principle we are now proving. It demonſtrates that liberty is the criterion of government, and that the people will have it on any terms.

And

And if our anceſtors acted upon the laws of nature, they could not prevent others from copying their example: they could not refuſe a licence which they took themſelves, nor limit nature by Acts of Parliament. Why then ſhall we quote thoſe of the Revolution? Deſtitute of foundation, they muſt either diſclaim authority; or the ground upon which they ſtand muſt be open for ever.

And if it be idle to produce theſe acts at all, it is doubly ſo to argue from their expreſſions. The Whigs were obliged to humour the Tories, * and they worded their acts to pleaſe them. This is the reaſon that they talk of "*anceſtors*," after they had expelled anceſtors; this is the reaſon that they "*ſubmitted their poſ-*

* See Hume, vol. viii. p. 304.

"*terities*,"* after they had refuſed to be ſubmitted themſelves. And ſo to ſubmit their poſterity was aſſerting *divine right*, for Heaven itſelf could do no more. Upon the ſame principle they might have ſold us for ſlaves. But it will be ſaid, they had no right to do that. The queſtion then returns to the ground of juſtice; and whoever conſtrues theſe acts by any other rule, makes liberty an eſtate, our anceſtors the donors, and the laws they paſſed the conditions of inheritance.†

But is it not indecent even to name theſe expreſſions? Is it not arguing in the very teeth of our preſent eſtabliſhment? Did

* Expreſſions in the Acts of thoſe times.

† However the Whigs may have been biaſſed by the Tories at the Revolution, ſome of theſe words are forms, and muſt be uſed upon ſuch occaſions.

not

not the Convention that received Charles the Second *ſubmit themſelves, their heirs, and poſterities for ever*, and yet we know beſt if we are governed by his deſcendants?

In conſidering theſe rights, it is chuſing that is always objected to. As the Engliſh monarchy is hereditary, it is ſuppoſed by many, that the choice of the people interferes with the order of ſucceſſion. But is this really the caſe? When we ſay that the people are to chuſe their rulers, do we mean that they are to chuſe their kings at the end of every reign? Certainly not. We mean that they choſe originally, have choſen often, and may chuſe again: that they chuſe in emergencies — that when the public happineſs renders it neceſſary to depoſe a king, they are entitled to chuſe his ſucceſſor;

and whoever denies this right, muſt deny the title of his preſent Majeſty; for all the reaſoning in the world will never prove that after James was dethroned, the Prince of Wales was not the next heir to the crown.

Indeed to diſpute the choice of the people, and to ſupport Jacobite principles, is the ſame thing. Thoſe who deny that choice, maintain divine right, though they do not mean it. We muſt recollect that there is no law for depoſing a king—no ſtatute authorizing a ſubject to take arms againſt his ſovereign. When human laws, then, are at an end, muſt not he that claims, claim by divine?

But are laws at an end? Is government diſſolved by depoſition? This is the great queſtion, and it ſhall be diſcuſſed fairly.

We

We have ſeen that there is no written law for depoſing a king. Some, however, may think that there is an inſtitute of nature, ſimilar in operation, paramount in effect, but not extending to diſſolve government. There can be no ſuch law. The law that depoſes a king, returns power to the people; not by command, but by conſequence. If a ſovereign of this country ſhould ſo abuſe his truſt, as to render reſiſtance neceſſary, the parliament muſt either ſide with the king, or with the people. If with the king, they become partners in the abuſe; if with the people, part of themſelves. In either caſe the whole power is reſumed. Now this is the main point: if power reverts to the people, it can be ſubject to no limitations, no laws impoſed when they laſt poſſeſſed it. This would be aſſerting that

that one parliament could bind another; it would be conſtituting an equal ſuperior. They are then omnipotent; they poſſeſs the whole legiſlative, judicial, and executive power; they can repeal, annul, abrogate*—But what right—let us not confound our ideas; we are thinking of government, and the right of that is the power of the people when they laſt poſſeſſed it.

But what is our difficulty? Is it to believe that depoſition is the act of the people; or that, when it happens, power returns to them? Will any one ſhew a law for depoſing a king? Will any one produce a ſtatute for taking arms againſt

* There can be no doubt of this; all laws that then exiſt, exiſt by ſufferance.

the

the ſovereign ?* Is not the whole ſyſtem of our preſent government the work of the Convention ?

Let us put a caſe : If James had invaded the kingdom before the Convention met—could the people have reſiſted him ? If they could, it is abſurd to talk of laws, for James was then their lawful ſovereign. If they could not, the Act of Settlement is greater than thoſe who made it : for we reſiſted the deſcendants of the ſame James in 1715 and 1745 upon that act ; and that act was the work of William and the Convention ; and William and the Convention were the people.

But why ſhould we reaſon about what they would have done ? we know what

* They may, indeed, make war upon him in his own name like the Long Parliament.

they

they did. Did not they laugh at laws? Did not they ſet them at defiance? Why did not they take the ſon of James, after his father was depoſed, (our then lawful, and ſtill lawful ſovereign, if the people have no right) educate him in the principles of the Proteſtant faith, and ſet him upon the throne?* Why did not they? They did not chuſe it.

Is it poſſible after this to deny the ſovereignty of the people? Is it rational to diſpute their right? Can there be the ſhadow of a doubt that their wiſhes are authority, their will law, and their actions government?

It is a notion with many that papiſts can alone be depoſed; and that when they

* The Prince of Wales was then only a twelvemonth old.

are

are depoſed, it muſt be done under the Act of Settlement; hence they conclude that the crown devolves upon the next heir. The contrary is the caſe. All depoſitions happen under the law of nature—Liberty is the real teſt. If the catholic religion ſhould become popular by a ſudden change, a papiſt might govern unmoleſted; but if tyranny ſhould break out in a new ſhape, the people would overturn the government.

But let us purſue laws—The Long Parliament were reſolved to have law, and therefore they made war upon the king in his own name. The Revolution lawyers were reſolved to have law, and therefore they counſelled the Prince of Orange to make himſelf king, and then call a Parliament to appoint him. The Convention of 1688 were reſolved to have law, and

therefore they firſt crowned William, and then made him give them authority to do it. Is it not abſurd then to mention laws in ſuch caſes? Is it not ridiculous to oppoſe *hereditary ſucceſſion* to the choice of the people?*

When the proſpect of iſſue from William diſappeared, the crown was ſettled upon the deſcendants of James I. through

* Hereditary ſucceſſion is a form not an original principle of government. There is a great difference here. We can eaſily conceive the good of the people to be a principle, becauſe it applies equally to all forms, and all are concerned in it; but we cannot imagine how men ſhould be intereſted in the circumſtance of a king ſucceeding his kindred, more than as it contributes to their happineſs. For inſtance, if the people would always prefer merit, and never fight about the election of their kings, elective monarchies would be the beſt, and *hereditary ſucceſſion* would be forgot. The *ſalus populi* however, or public good, would remain.

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the Princeſs Sophia of Brunſwick. Hence ſome infer, that the right of ſuch perſons, exiſted antecedent to the ſtatute. It could not be: power had reverted to the people upon the depoſition of James II.; and if the poſterity of James I. were heirs already, it was needleſs to appoint them. As perſons whom we once had known, they might hope a preference, and they obtained it. But what does that ſay? Does a predilection in us prove a right in them, or an act of grace infer neceſſity?

The laſt objection relates to the heirs themſelves—they are pitied as ſuffering for the faults of others. It might be ſaid, that if they had ſucceeded, they would have owed their crown to the merit of their anceſtors, and they may forfeit as they would have acquired—That in all caſes forfeiture extends to heirs—That if

this holds in matters of property, much more ought it in thoſe of truſt, where forfeiture is connected with the crime, and the thing forfeited is the thing abuſed—That if penalties are to be meaſured by the injury which the public ſuffers, they ought to be enormous here—But theſe are perſonal conſiderations, and touch not the real ground. The baſe of the argument is, that government is diſſolved, that power has returned to the people, and that it exiſts for no one elſe.

It would appear that theſe rights have been denied for the purpoſe of condemning a late Revolution. Certain it is, that if they do not exiſt, every ſtep which the French have taken is unjuſtifiable. If freedom muſt yield to cuſtom, it was wrong to change; and if the people cannot alter their government, they were wicked

wicked in attempting a Revolution. But all this is abſurd. The queſtion then is, whether change was neceſſary.

The old government of France was a corruption of the feudal ſyſtem. The king was ſupreme lord, and the nobles were his vaſſals. Subject themſelves to the authority of the crown, they were in turn abſolute over the people.* They ſupported the monarch as their patron, and he protected them as the props of his power.

The conſequences of this ſyſtem were fatal to the liberty of the nation. The crown grew arbitrary, and the nobles tyrannical. Too proud to engage in the concerns of commerce, they ſought the

* By means of the droits, or territorial rights, attached to their domains.

church

church and the army. There the monarch aggrandized them: he gave them all the offices of the State—power, emolument, and truſt centered in their hands.

In ſuch a ſituation of things, what could become of the people? Void of influence, ſtripped of rights, and deſtitute of protection, they were oppreſſed and deſpiſed—they ſunk into nothing.

Will it then be affirmed, that change was unneceſſary? Will it be pretended that the people ſhould have ſubmitted for ever, and reſigned themſelves tamely to ſlavery?

But it may be ſaid, that the French went too great lengths, that they might have reformed their government without aboliſhing it. The remark might have

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ſome appearance of juſtice, if the defects of their government had been curable. But this was not the caſe; abuſe was univerſal: the whole body was infected; every limb required regeneration.

But granting that a reform was poſſible, would the people have been allowed to accompliſh it? The nobility and clergy poſſeſſed all the influence of the State, they were inſeparably attached to the crown, and the crown was rendered more formidable ſtill by a hereditary revenue of five millions ſterling—How was it poſſible to overcome ſuch a force? How was it practicable to effect a reform to which ſuch a power was adverſe?

What then are the objections? The populace were guilty of exceſs—And are we to expect a revolution without it? The queſ-

queſtion is not whether exceſs was good, but whether it was worſe than the evils of ſlavery.

But their ſyſtem is defective; many things might be mended. Let us contemplate our own government for a moment: if we count the years which its formation has coſt, and reckon its faults, we ſhall, perhaps, abate in our demands of perfection.

To object to the French Revolution, then, is both fooliſh and cruel;—fooliſh, becauſe they were juſtified in what they did; and cruel, becauſe they aboliſhed tyranny.

And the right which they exerciſed, belongs to all mankind. They have a conſtant, unalienable right, to form their govern-

governments, and to depoſe and chuſe their rulers. Public good is the ſupreme law*—all conſiderations muſt yield to it.

And thence the abſurdity of ſuppoſing an *original contract*. If we mean any thing by a contract, it is that, while one party abides, the other is bound by it. Now is this our ſenſe of government? If the king of any country ſhould poſſeſs too much power by its conſtitution, could not the people diminiſh it? Could the king urge that he had never broken his contract, and could not, therefore, loſe any of his power? Could he oppoſe this language to the unanimous voice of the people? If he could not, there

* Salus populi ſuprema lex.

is no contract, no bargain — the idea is ridiculous.*

And the expreſſion ſprung from the Revolution. As our anceſtors then uſed it, the lovers of liberty think that they talk orthodoxly when they follow their example. But it is really not ſo. If ſuch a contract exiſted, no reform could take place, however neceſſary for the public good, however agreeable to the wiſhes of the people. Our rulers could always plead their contract. It was certainly intended that power ſhould not be abuſed, and *original contract* may ſignify that

* And Blackſtone was of the ſame opinion: "For, whenever a queſtion ariſes between the ſociety at large, and any magiſtrate veſted with "powers originally delegated by that ſociety, it "muſt be decided by the voice of the ſociety itſelf: there is not on earth any other tribunal to "reſort to."—See Com. vol. i. p. 211.

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intention; if aught elſe, it is nonſenſe: and in the former ſenſe our anceſtors muſt have underſtood it, for James had violated no engagements. He was certainly a tyrant, and therefore depoſed; but *original contract* meant nothing farther.

It might be contended, that the people have a right to change their government, even if they are happy. What can hinder them, if unanimous? This right is, however, abſtract; not becauſe imaginary, but becauſe it is improbable that an opportunity ſhould offer of exerciſing it.

Neceſſity has generally been conſidered as the rule of reſiſtance. When the miſery of individuals becomes intolerable, it is preſumed, that they may oppoſe their

governors.* But how is it poſſible to lay down rules upon ſuch a ſubject? As well might we make laws for the elements, or aſſign bounds to the ocean.

On ſuch occaſions the people muſt be left to their own feelings; nor have we any thing to apprehend from them. The multitude are naturally ſubmiſſive, and the proof is, that they have borne ſo much oppreſſion from their rulers.†

And yet to hear ſome men talk, we ſhould ſuppoſe that the people breathed nothing but ſedition; that they had nei-

* Upon this principle Mr. Hampden reſiſted the officers ſent by Charles to levy the ſhip-money.

† Witneſs their patience under the Neros, the Caligulas, the Caracallas, and all the other monſters that have diſgraced humanity.

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ther ſenſe nor moderation; that they were abandoned, like ſavages, to the dominion of the moſt furious paſſions, and that we muſt blind before we could tame them.

I wiſh the fault may not lie the other way: I wiſh they may not be too eaſy. It was the ſeventeenth century before they gave up *divine right*; before they could be perſuaded that one man is not entitled to make millions miſerable.

But that deluſion is now paſt—our worſt errors are now over. And as the firſt ſtep to virtue is to leave vice, ſo the firſt ſign of wiſdom is to deſert folly.—But I hope we ſhall not ſtop here—I hope we ſhall improve daily—I hope the time will come, when reaſon ſhall ſee, and ſentiment ſhall feel, and unanimity ſhall pro-

proclaim, that public good is the end of ſociety, public happineſs the bond of government!

THE END.